

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.6284 of 2007

Dated:09.04.2007

Between:

Gajoju Shyamsundera Chary.

..Petitioner.

and

The Executive Engineer, TLC, 400 KV Lines, Division II, Mint Compound, Khairatabad, Hyderabad and others.

..Respondents.

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W.P.NO.6284 of 2007

ORDER:

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The petitioner is the owner of 0.38 guntas of land in Sy.No.170/E of Daroor Village, Malyal Mandal, Karimnagar District. The respondents are proposing to erect 400 KV tower line from Ramagundam to Dichpally. One of the towers is being constructed in the land of the petitioner. The petitioner contends that he had obtained permission from the Gram Panchayat for construction of a workshop in his land, so that his existing workshop at Jagital may be shifted to that place. It is also contended that though the tower was sought to be constructed in the land of the petitioner, about a year ago, on his representation, the work was stopped, with a view to consider the feasibility of changing the location, and for the reasons not evident, the work was resumed. He seeks a declaration to the effect that the action of the respondents in proposing to erect 400 KV line tower in the land of the petitioner, as illegal, arbitrary and unconstitutional.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

By virtue of powers conferred upon them under the

Electricity Act, 2003, read with the Electricity Supply Act and the Indian Telegraph Act (for short 'the Act'), the respondents are entitled to erect lines of different categories, including tower lines, across the property of the private individuals also. The law does not require the respondents to acquire any property for the purpose of erection of power lines. Section 10(d) of the Act, however, provides that where the rights of an individual over an extent of land are effected, on account of such lines, damages must be paid. Under Section 16 of the Act, the aggrieved party is entitled to approach the civil Court for enhancement or re-fixation of damages. Except this restriction, the power of the respondents to locate the lines or towers is almost absolute.

It may be true that the petitioner is put to hardship, on account of erection of tower. However, to avoid inconvenience, one individual, alignment of the line cannot be changed. It must be recognized that, if not on the land of the petitioner, somewhere else, the tower has to be located. This Court is of the view that the interests of the petitioner can be protected by directing the respondents to pay a sum of Rs.5000/- towards damages, leaving it open to him to work out his remedies.

Hence, the Writ Petition is disposed of, directing that the respondents shall pay a sum of Rs.5000/- (five thousand), before they proceed to erect tower in the land of the petitioner, and it shall be open to the petitioner to approach the civil Court under Section 16 of the Act, for determination of damages, in accordance with law, if he is not satisfied with that amount. There shall be no order as to costs.

L. NARASIMHA REDDY, J

Dated:09.04.2007

Note:Issue CC in two days.

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